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Court Review

THE JOURNAL OF THE AMERICAN JUDGES ASSOCIATION

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EDITOR'S NOTE

Recognizing the ever-changing landscape and the increasing challenges that face justice systems committed to achieving the promise of “equality before the law,” the National Consortium on Racial and Ethnic Fairness in the Courts works to share its collective knowledge about best practices within court systems for achieving fairness and access to justice for all. In celebration of the consortium’s 25th anniversary, *Court Review* is pleased to present a special issue in collaboration with this organization.

The issue begins with an article by Professor Keith Richotte, Jr., who provides a brief history of tribal courts. The article discusses how tribal courts have blended older tribal common law with Western-inspired sources of law, resulting in innovative ways for tribes to make the common law of the tribal nation speak to issues of the present. Unfortunately, the innovative work that many tribal courts are engaged in is not always recognized and appreciated outside of Indian Country. As a consequence, there remains a fair amount of trepidation about tribal courts. The article posits that this trepidation is founded in the same presumptions about tribal peoples that existed in the nineteenth century and were expressed in the Indian law cases of that era.

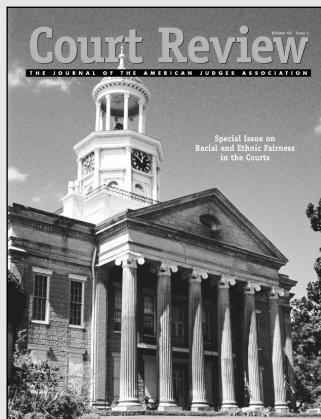
This concept of understanding the communities we serve is then further examined by the Honorable Liana Fiol Matta, who discusses the need for judges to understand the dynamics of communities in poverty and the significant barriers they face to accessing justice. Justice Fiol Matta suggests to all judges that “true access to justice can only be achieved when a judge uses the law, not as an end in itself, but as a tool for justice.”

Next, lawyer Joanna L. Visser and Professor Jeffrey L. Shook provide timely views on recent United States Supreme Court decisions exploring under what circumstances states are permitted to give juveniles life sentences without the opportunity for parole. Although this article is not explicitly about racial and ethnic fairness in the courts, readers should keep in mind the drastic overrepresentation of minority youth in our nation’s justice system.

In other articles:

- Douglas Marlowe provides a review of what is currently known and what needs to be known about racial and ethnic impacts in drug courts.
- Kimberly Papillon provides an in-depth explanation of the neuroscience behind judicial decision-making in the criminal context, demonstrating how the application of the four principles of criminal sentencing (*i.e.*, retribution, rehabilitation, deterrence, and incapacitation) may be affected by these neurological processes.
- Pamela Casey and coauthors outlines seven research-based strategies that have been identified for reducing the influence of implicit bias in decision making.

—Liz Neeley



Court Review, the quarterly journal of the American Judges Association, invites the submission of unsolicited, original articles, essays, and book reviews. *Court Review* seeks to provide practical, useful information to the working judges of the United States and Canada. In each issue, we hope to provide information that will be of use to judges in their everyday work, whether in highlighting new procedures or methods of trial, court, or case management, providing substantive information regarding an area of law likely to be encountered by many judges, or by providing background information (such as psychology or other social science research) that can be used by judges in their work. Guidelines for the submission of manuscripts for *Court Review* are set forth on page 13 of this issue. *Court Review* reserves the right to edit, condense, or reject material submitted for publication.

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Cover photo, Mary Watkins. The cover photo is the Old Court House in Vicksburg, Mississippi. Completed in 1860 and used as a courthouse until 1939, the building has been used as a museum since 1948. According to the museum website (www.oldcourthouse.org), the American Institute of Architects once named the building as one of the 20 most outstanding courthouses built in the United States.

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